

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM J. WISE,

Defendant.

Case No. [12-cr-00642-EMC-1](#)

**ORDER DENYING DEFENDANT'S
MOTION FOR MODIFICATION OF
SENTENCE AND COMPASSIONATE
RELEASE**

Docket No. 119

Mr. Wise has moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). This is his second motion. The Court denied the first motion for compassionate release in October 2020. *See* Docket No. 245 in No. CR-12-0111 EMC (N.D. Cal.).

The Court has reviewed the parties' briefs and finds that the matter can be resolved without oral argument. Mr. Wise's motion for relief is **DENIED** because he has failed to show extraordinary and compelling reasons for compassionate release. Many of Mr. Wise's arguments have been presented to the Court in earlier motions, including the first motion for compassionate release. The Court finds those arguments no more persuasive now.

The Court acknowledges that there is some new evidence in support of the motion, most notably, high blood pressure in at least December 2021 and January 2022, even with Mr. Wise taking medication. However, the CDC currently does not find hypertension (as opposed to pulmonary hypertension) to put a person at higher risk of COVID. In fact, the CDC does not even categorize hypertension as being suggestive of higher risk, rather putting it in the category of "mixed evidence." <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-care/underlyingconditions.html> (last visited 3/25/2022); *see also*

1 [https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html)
2 [conditions.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html) (last visited 3/25/2022) (“Having heart conditions such as heart failure, coronary
3 artery disease, cardiomyopathies, and *possibly* high blood pressure (hypertension) can make you
4 more likely to get very sick from COVID-19.”) (emphasis added). Moreover, Mr. Wise has not
5 sufficiently demonstrated that his high blood pressure cannot be controlled with medication.
6 Notably, in January 2022, Mr. Wise chose to defer changes to his blood pressure medication. *See*
7 Docket No. 120-1 (ECF Page 443).

8 Finally, as before, the Court takes into account that Mr. Wise’s release date is not until late
9 2030; that he has only served slightly more than 50% sentence; and that his Ponzi scheme had
10 significant impact on a number of victims (as underscored by the victim communications provided
11 by the Government). These considerations further weigh heavily against compassionate release.

12 This order disposes of Docket No. 119.

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14 **IT IS SO ORDERED.**

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16 Dated: March 28, 2022

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19 EDWARD M. CHEN
20 United States District Judge
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